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BEFORE THE ARIZONA CORPORATION COMMISSION OF THE DESCRIPTION OF THE

2 JEFF HATCH-MILLER, Chairman

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IN THE MATTER OF THE APPLICATION OF CHAPARRAL CITY WATER COMPANY, INC., AN ARIZONA CORPORATION, FOR AN ORDER PRELIMINARY TO EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY PURSUANT TO A.R.S. § 40-282.D.

DOCKET NO. W-02113A-05-0178

PROCEDURAL ORDER

## BY THE COMMISSION:

On March 10, 2005, Chaparral City Water Company ("Chaparral City" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an order preliminary to the extension of its Certificate of Convenience and Necessity ("CC&N") pursuant to A.R.S. § 40-282.D, the terms of which would allow Chaparral City to extend its CC&N to include approximately 1,300 acres of State Trust land located north of the Town of Fountain Hills and immediately adjacent to Chaparral City's existing CC&N.

On April 4, 2005, the Commission's Utilities Division Staff ("Staff") and Chaparral City filed a Joint Request for Procedural Schedule setting forth a proposed schedule for the conduct of this proceeding.

In accordance with A.R.S. § 41-1074.C, Chaparral City's application is deemed administratively complete.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **August 16**, **2005 at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 30, 2005.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or

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before June 14, 2005. IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at

hearing on behalf of intervenors shall be reduced to writing and filed on or before July 1, 2005.

IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before July 1, 2005.

IT IS FURTHER ORDERED that Chaparral City shall reduce to writing and file any rebuttal testimony and associated exhibits to be presented at the hearing and/or objections to the Staff Report on or before July 29, 2005.

IT IS FURTHER ORDERED that Chaparral City shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 10 point bold type and the body in no less than 10 point regular type:

## PUBLIC NOTICE OF HEARING ON THE <u>APPLICATION OF CHAPARRAL CITY WATER COMPANY, INC</u> FOR AN ORDER PRELIMINARY TO EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY PURSUANT TO A.R.S. § 40-282.D (W-02113A-05-0178)

On March 10, 2005, Chaparral City Water Company ("Chaparral City" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an order preliminary to the extension of its Certificate of Convenience and Necessity ("CC&N") pursuant to A.R.S. § 40-282.D, the terms of which would allow Chaparral City to extend its CC&N to include approximately 1,300 acres of State Trust land located north of the Town of Fountain Hills and immediately adjacent to Chaparral City's existing CC&N. If the application is granted, the Applicant would be the exclusive provider of water to the proposed area, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of the Company, [insert address].

The Commission will hold a hearing on this matter beginning August 16, 2005 at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Applicants or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

- The name, address, and telephone number of the proposed intervenor and 1. of any party upon whom service of documents is to be made if different than the intervenor.
- 2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicants, a shareholder of the Applicants, etc.).

3. A statement certifying that a copy of the motion to intervene has been 1 mailed to the Applicants or their counsel and to all parties of record in the 2 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that 3 all motions to intervene must be filed on or before May 30, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing 4 and to cross-examine other witnesses. Failure to intervene will not preclude any potential 5 customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of the proceeding unless requested by you. 6 7 The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a 8 sign language interpreter, as well as request this document in an alternative format, by contacting, Linda Hogan, ADA Coordinator, 602-542-3931. Requests should be made 9 as early as possible to allow time to arrange the accommodation. IT IS FURTHER ORDERED that the Applicant shall cause the above notice to be published 10 at least once in a newspaper of general circulation in its proposed service territory and mailed to the 11 property owner, with publication and mailing to be completed no later than May 6, 2005. 12 IT IS FURTHER ORDERED that the Applicant shall file certification of publication/mailing 13 as soon as practicable after the publication has been completed. IT IS FURTHER ORDERED that notice shall be deemed complete upon publication/mailing 15 of same, notwithstanding the failure of an individual to read or receive the notice. 16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized 17 Communications) applies to this proceeding as the matter is now set for public hearing. 18 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended 19 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure. 20 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive 21 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing. DATED this day of April, 2005. 23 24 25 26 ADMINISTRATIVE LAW JUDGE 27

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2	Copies of the foregoing mailed/delivered this day of April, 2005 to:
3	Jay L. Shapiro
4	Norman D. James FENNEMORE CRAIG
5	3003 N. Central Ave. Suite 2600
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7	Christopher Kempley, Chief Counsel Legal Division
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9	Phoenix, Arizona 85007
10	Ernest G. Johnson, Director Utilities Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007
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13	ARIZONA REPORTING SERVICE, INC. 2627 N. Third Street, Suite Three Phoenix, Arizona 85004-1104
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15	- Workman
16	By: Molly Johnson Secretary to Amanda Pope
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